

## **REMARKS**

Claims 1, 3-5, 15-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 5,018,060 to Gelb et al. (hereinafter Gelb) in view of United States Patent Number 5,757,571 to Basham et al. (hereinafter Basham) and in further view of United States Patent Publication 2003/0193994 by Stickler (hereinafter Stickler).

Claims 7, 9, 10, 12, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham and Stickler and in further view of United States Patent Application Publication Number 2003/0204672 by Bergsten (hereinafter Bergsten). Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham, Stickler, and Bergsten and in further view of “Active Storage for Large-Scale Data Mining and Multimedia” Proceedings of the 24<sup>th</sup> VLDB Conference, New York, USA, 1998 by Erik Riedel et al. (hereinafter Riedel). Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham, Stickler, and Bergsten, and in further view of United States Patent Publication 2003/0120379 by Mehlberg et al. (hereinafter Mehlberg).

Applicants thank the Examiner for the telephone interview of May 31, 2007. We discussed a proposed amendment that specifies that a dataset is originally to be stored without scaling. Applicants agreed to submit the proposed amendment as a request for continued examination.

### **Amendments to the claims.**

Applicants have amended claims 1, 7, and 15 to remove the limitation “...from an

application that does not support scaling...” Claim 1 as amended. See also claims 7 and 15.

Applicants have further amended claims 1, 7, and 15 with the limitation of receiving a dataset for storage “...without scaling...” Claim 1 as amended. See also claims 7 and 15. The amendment is fully supported by the specification, which teaches “...the conventional storage instruction does not direct the tape drive unit 112 to scale to an optimal performance point.” Page 11, ¶ 38, last sentence.

Applicants have amended claims 1, 7, and 15 with the limitation that the storage characteristics also comprise “expiration dates.” The amendment is well supported by the specification. Page 11, ¶ 37. See also original claim 7. In addition, claims 1, 7, and 15 are amended with the limitation that a “scaling” storage instruction or instruction is selected. The amendment is well supported by the specification, which discloses “If the storage characteristics satisfy certain storage criteria for optimal performance scaling, then a scale drive storage instruction 204 is sent to the tape drive unit 112.” Page 15, ¶ 51, lines 5-7. The “scaling” storage instruction language is continued throughout the claims including claim 22 to conform to the amendment. Claims 3 and 9 are canceled.

#### Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1, 3-5, 15-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham and in further view of Stickler. Claims 7, 9, 10, 12, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham and Stickler and in further view of Bergsten. Claims 13 and 14 stand rejected under 35

U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham, Stickler, and Bergsten and in further view of Riedel. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelb in view of Basham, Stickler, and Bergsten, and in further view of Mehlberg. Applicant respectfully traverses these rejections.

Claims 1, 7 and 15 as amended include the limitations of receiving "...a dataset for storage without scaling exclusively on a magnetic tape storage medium..." and "...select a scaling storage instruction..." Claim 1 as amended. See also claims 7 and 15. Thus the present invention claims selecting a scaling instruction for a dataset that was to be stored without scaling. Neither Gelb, Basham, nor Stickler discloses selecting a scaling instruction for a dataset that was to be stored without scaling. Applicants therefore submit that claims 1, 7, and 15 are allowable. Applicants further submit that claims 4, 5, 10, 12-14, and 16-24 are allowable as depending from allowable claims. Claims 3 and 9 are canceled.

### Conclusion

As a result of the preceding amendments, Applicants submit that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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